



18 April 2017

**Via Email**

Darryl Nelson, Contracting Officer (*darryl.nelson@navy.mil*)  
Elaine J. Florence, Contract Specialist (*elaine.florence@navy.mil*)  
NAVSUP/FLC-Jacksonville  
Contracts Division Building 110, 3<sup>rd</sup> Floor NAS  
Jacksonville, FL 32212-0097

**Re: Request to Stop the processing of Area Clearance/SECNAV Approval for  
Foreign Nationals not eligible for legal employment or Travel to GTMO  
Request for the Verification of Foreign Labor Credentials  
Lack of Seaward's Philippine Labor Accreditation  
Prevention of Human Trafficking  
Assurance that Local Labor Laws of Overseas Workers are Complied With**

Dear Mr. Nelson and Ms. Florence,

As you are aware, Seaward has been submitting Area Clearance/SECNAV forms to the Navy for Overseas Philippine workers it purports to employ at Naval Station Guantanamo in order to remedy its current Default in providing Port Services contract transition and performance. As you are also aware, MCM had advised your office of the various instances whereby Seaward had violated TE-9, attempting to hire MCM's employees by offering higher wages and other amenities. Finally, we had also advised your office of Seaward's use of a Foreign Labor Agent named Calarey Manpower ("Calarey") that, based on their illegal recruitment actions<sup>1</sup> aimed at our current employees both on the base and vacationing in the Philippines, (b) (4)

(b) (4)

(b) (4)



Given the above, MCM respectfully requests the following:

- 1) The Government's confirmation that Seaward is not currently accredited by the Philippines Overseas Employment Agency / Philippine Government to hire any Philippine Overseas Employees.

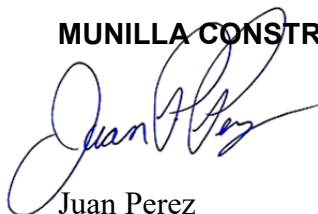
- 2) The rejection of all Area Clearance/SECNAV forms from Seaward by the Government/Naval Station Guantanamo for prospective Philippine Overseas Employees until Seaward is legally permitted through the Philippines Overseas Employment Agency (POEA) to hire these individuals and have them travel for that purpose outside of the Philippines. (This will free up available SECNAV processing and housing for MCM and other contractors legally authorized to hire and fly in Philippine Overseas Employees into Guantanamo)
- 3) The Government rejection of any Seaward hiring or Area Clearance /SECNAV approval of any vacationing Philippine National MCM employees currently located in the Philippines as it would be a violation of TE-9 of the contract and Philippine Labor Law.
- 4) Confirmation that the Government/Naval Station Guantanamo will prevent the trafficking of any Philippine National by Seaward, (MCM employee or not), until Seaward demonstrates that it can legally hire Philippine Nationals through proper accreditation and approved travel through the POEA.

(b) (4)



Sincerely,

**MUNILLA CONSTRUCTION MANAGEMENT, LLC**



Juan Perez  
Director of GTMO Operations

cc: Pedro Munilla, Esq.  
Mr. Juan Munilla  
Daniel Munilla, Esq. Corporate Counsel  
Karl Dix, Jr. Esq  
Commander, Naval Station Guantanamo Bay, Cuba



Madeliene Aledia-Regala &lt;mregala@parmaninc.com&gt;

## Recruitment Services Agreement

2 messages

**Bill Annand** <BAnnand@hms-seaward.com>

Sat, Mar 4, 2017 at 5:45 AM

To: Madeliene Aledia-Regala &lt;mregala@parmaninc.com&gt;

Cc: Jerome Best &lt;JBest@hms-seaward.com&gt;, Angelique Bagshaw &lt;ABagshaw@hms-seaward.com&gt;

Madeleine:

As you are aware, Seaward Services, Inc. ("Seaward") and Parman Incorporated ("Parman") entered into a certain Recruitment Services Agreement ("Agreement") dated January 25, 2017. Paragraph 15. of the Agreement provides in relevant part, "This [Agreement]...shall remain in effect until such time as either party terminates this Agreement by giving thirty (30) days prior written notice to the other party." In accordance with Paragraph 15., Seaward hereby tenders thirty days' notice of termination of the Agreement. The termination date shall be April 2, 2017 (the "Termination Date") at which time all rights, obligations, and authorities of the Parties shall cease. From the date of this notice until the Termination Date, Seaward demands that Parman take no further action pursuant to the Agreement."

Regards,

William H. Annand  
 President/COO  
 Seaward Services Inc.  
 222 Pearl Street, 3rd Floor  
 New Albany, IN 47150  
 A HMS Global Maritime Company  
 Office: (812) 207-2649  
 Fax: (812) 207-2648  
 Direct: (812) 207-2619  
 Mobile: (302) 399-8766  
 bannand@hms-seaward.com<mailto:bannand@seawardservices.com>  
 www.hmsgm.com<http://www.hmsgm.com/>  
 www.seawardservices.com<http://www.seawardservices.com/>

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**Madeliene Aledia-Regala** <mregala@parmaninc.com>

Sat, Mar 4, 2017 at 4:15 PM

To: Bill Annand &lt;BAnnand@hms-seaward.com&gt;

Cc: Jerome Best &lt;JBest@hms-seaward.com&gt;, Angelique Bagshaw &lt;ABagshaw@hms-seaward.com&gt;

Dear Bill,

In response to your email regarding the Termination of our Agreement, I would like to inform you that the same has been accepted.

It is unfortunate that the Agreement had to be terminated at such an early stage, but as I have said I understand your apprehensions due to MCM being our client, though I had hoped that your company would have placed your trust in ours.

I would like to thank you for giving us the opportunity to introduce our company to yours.

Regards,  
Madeliene

[Quoted text hidden]

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Madeliene Aledia- Regala  
General Manager  
PARMAN INCORPORATED  
T: (632) 8185971  
F: (632) 8181382  
M: +639178922216  
Email: mregala@parmaninc.com

(b) (4)

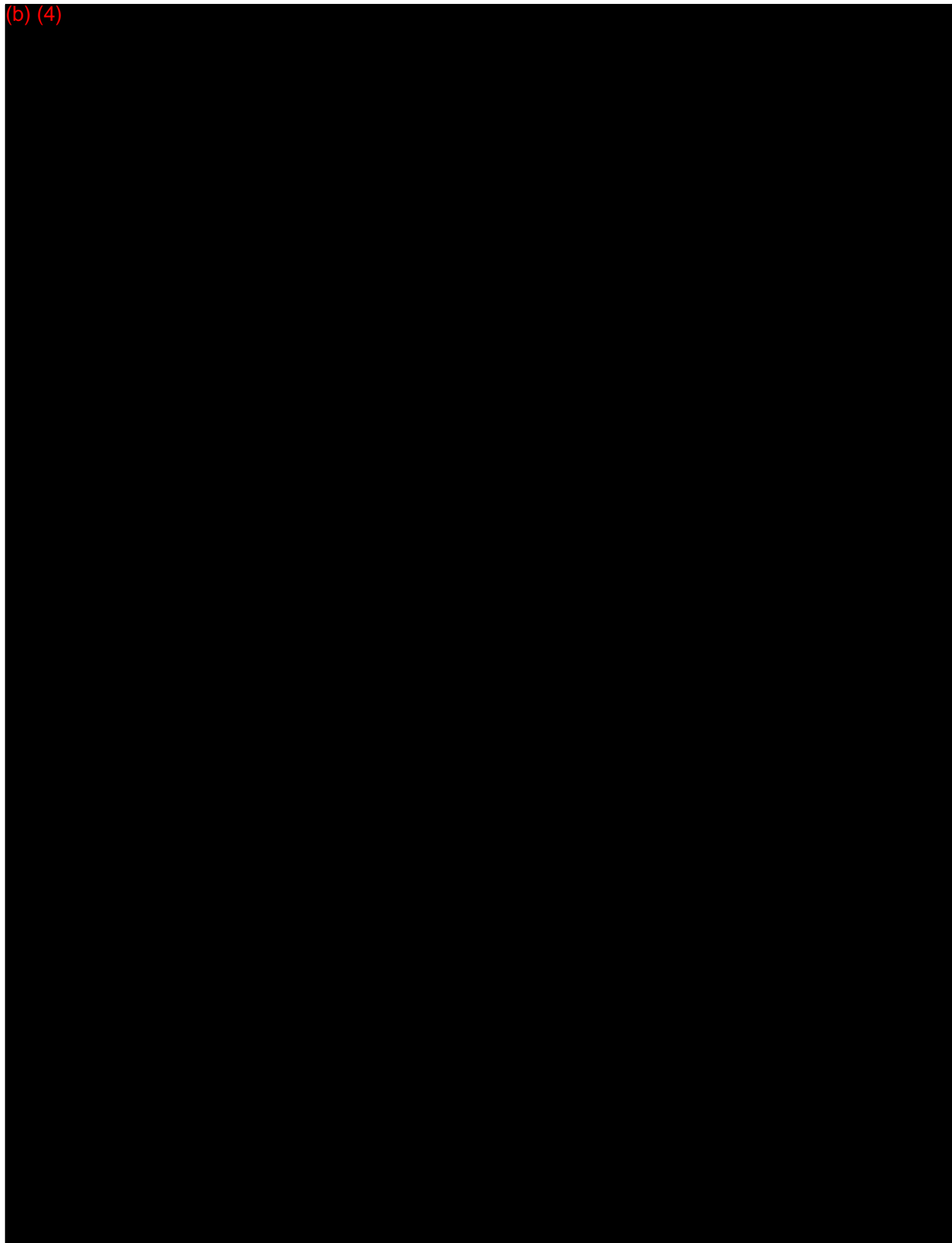


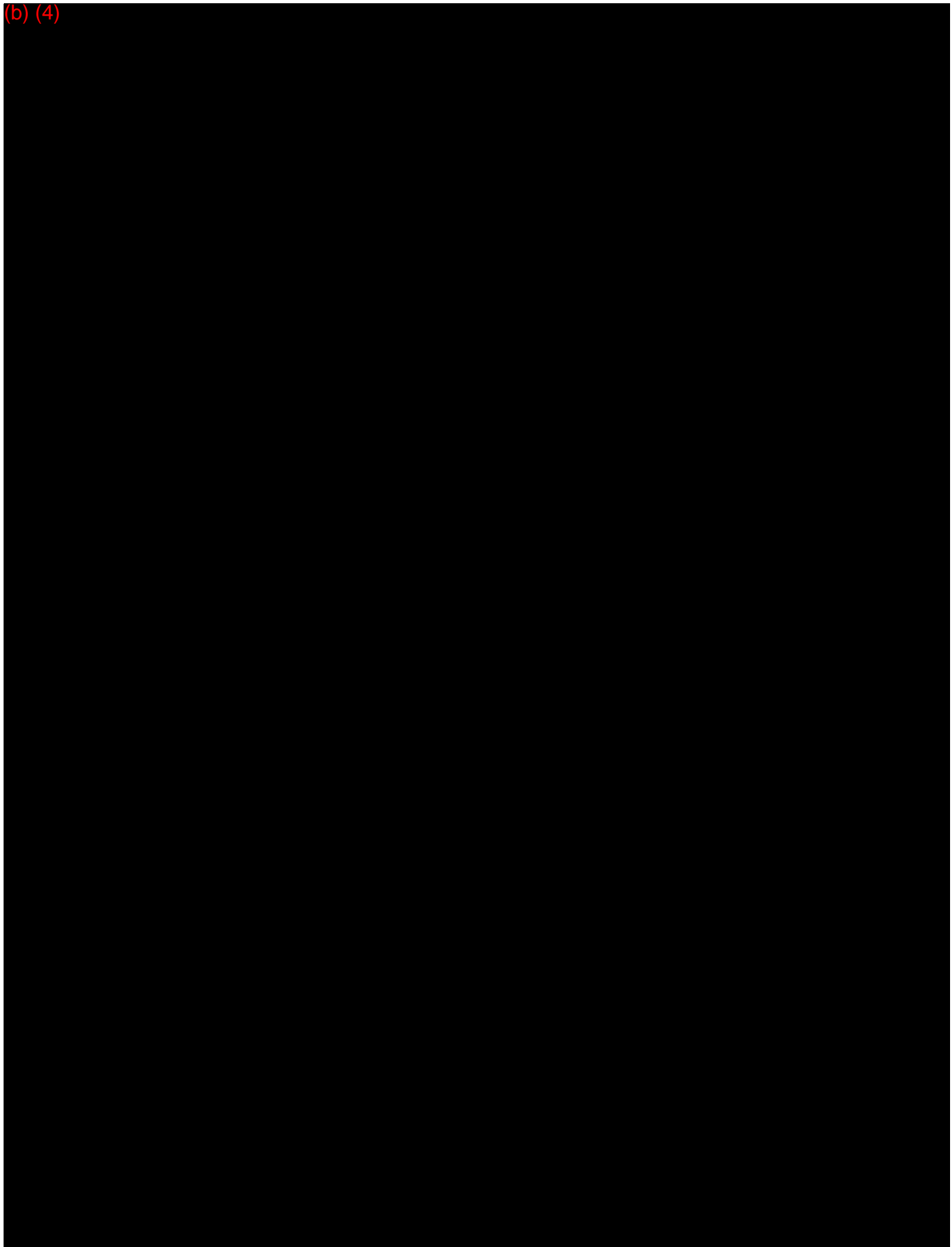


(b) (4)









(b) (4)



EXHIBIT 3



REPUBLIC OF THE PHILIPPINES - DEPARTMENT OF LABOR AND EMPLOYMENT



Search



Make sure you are ready for work overseas.

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LOG ON TO: [peos.poea.gov.ph](http://peos.poea.gov.ph)**Approved Job Orders by Agency as of Apr 12, 2017 11:51:45 AM****Agency : THE CALEREY INTERNATIONAL MANPOWER SERVICES INC (FORMERLY THE CALEREY MANPO for**

Country	Position	Date Approved	JO Balance
UNITED ARAB EMIRATES	ASSOCIATE FRONT DESK	3/15/2017	10
UNITED ARAB EMIRATES	ATTENDANT POOL	3/15/2017	10
UNITED ARAB EMIRATES	BARISTA	3/15/2017	5
UNITED ARAB EMIRATES	CARE ASSISTANT	3/15/2017	10
UNITED ARAB EMIRATES	CLEANERS	3/15/2017	30
UNITED ARAB EMIRATES	CLERK INSURANCE	3/15/2017	5
UNITED ARAB EMIRATES	INSTRUCTOR GYM	3/15/2017	10
UNITED ARAB EMIRATES	INSTRUCTOR SWIMMING	3/15/2017	10
UNITED ARAB EMIRATES	LIFEGUARD	3/15/2017	10
UNITED ARAB EMIRATES	MARKETING EXECUTIVE	3/15/2017	5
UNITED ARAB EMIRATES	MEMBER CREW MALE/FEMALE	3/15/2017	10
UNITED ARAB EMIRATES	NURSE STAFF	3/15/2017	25
UNITED ARAB EMIRATES	OFFICE BOY	3/15/2017	10
UNITED ARAB EMIRATES	RADIOGRAPHER	3/15/2017	20
UNITED ARAB EMIRATES	RECEPTIONIST	3/15/2017	10
UNITED ARAB EMIRATES	SECRETARY MEDICAL	3/15/2017	10
UNITED ARAB EMIRATES	SECURITY GUARD	3/15/2017	10
UNITED ARAB EMIRATES	TECHNICIAN LABORATORY	3/15/2017	20
UNITED ARAB EMIRATES	WAITRESS	3/15/2017	10
UNITED ARAB EMIRATES	WARD SECRETARY	3/15/2017	10
CAYMAN ISLANDS	SECURITY GUARD	1/25/2017	9
CUBA	OFFICER HEALTH AND SAFETY	1/13/2017	1
CUBA	OPERATOR HEAVY EQUIPMENT	1/9/2017	1
CUBA	MASON	12/29/2016	2
CUBA	FOREMAN WAREHOUSE	9/22/2016	1
CUBA	WAREHOUSE SPECIALIST	9/22/2016	1
DJIBOUTI REPUBLIC OF	HELPER FOOD SERVICE	8/4/2016	2
DJIBOUTI REPUBLIC OF	WORKER CUSTODIAL	7/25/2016	2

BAHRAIN	ENGINEER CIVIL QA/QC	5/27/2016	1
BAHRAIN	ENGINEER ELECTRICAL QA/QC	5/27/2016	2
BAHRAIN	ENGINEER MECHANICAL QA/QC	5/27/2016	2
BAHRAIN	PLANNER/ESTIMATOR	5/27/2016	3
CUBA	CLERK INVENTORY	5/20/2016	1
CUBA	MECHANIC AUTO	5/20/2016	4
CUBA	MECHANIC AUTO JUNIOR	5/20/2016	2
CUBA	STOREKEEPER	5/20/2016	2
CUBA	OPERATOR HEAVY EQUIPMENT	2/9/2016	6
CUBA	SUPERVISOR BARGE	2/9/2016	1
CUBA	WAREHOUSEMAN	2/9/2016	3
CUBA	ELECTRICIAN LEAD	8/4/2015	2
CUBA	LABORER/ELECTRICIAN	8/4/2015	4
CUBA	LABORER/PAINTER	8/4/2015	3
CUBA	OPERATOR HEAVY EQUIPMENT JUNIOR	8/4/2015	3

**NOTE:** The list was culled from the licensed recruitment agencies' active job orders for the past TWO years and are the remaining job orders after deducting the number of workers whose documents were already submitted to POEA for processing.

The job orders are considered active unless canceled by the employer or recruitment agency.

However, we cannot guarantee that the job vacancies are still open because the recruitment agencies may at present have already accepted qualified applicants for the listed positions.

**IMPORTANT: VERIFY WITH THE AGENCY IF THE JOB ORDER IS STILL ACTIVE OR NOT.**

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Blas F. Ople Building, EDSA cor Ortigas Ave. Mandaluyong City  
Philippines

[info@poea.gov.ph](mailto:info@poea.gov.ph)

98059461  
Since 8/18/2005

SECTION 142. Confidentiality of the Conciliation Proceeding. — The proceeding for conciliation is confidential in nature. No evidence or testimony introduced therein shall be admissible as evidence in any other proceedings.

### RULE III

#### Recruitment Violation Cases, Classification of Offenses and Schedule of Penalties

SECTION 143. Grounds for Imposition of Administrative Sanctions Against a Licensed Recruitment Agency. — Commission by a licensed recruitment agency of any of the offenses below shall be a ground for the imposition of the corresponding penalty.

I. SERIOUS OFFENSES are those that, by their nature and effect, are punishable by cancellation of license.

- a. Knowingly deploying a minor.

Penalty: Cancellation of License

- b. Engaging in acts of gross misrepresentation for the purpose of securing a license or renewal thereof, such as violation of the Anti-Dummy Law, or giving false information or fictitious documents in relation to a matter that is material for the approval of the license application or renewal.

Penalty: Cancellation of License

- c. Engaging in an act of reprocessing by documenting workers through a job order that pertains to: (1) non-existent work; (2) positions different from the actual overseas work or for positions different from the actual visa category, unless covered by an undertaking of visa usage by the licensed recruitment agency and an affidavit of awareness and consent by the worker, and a job description signed by the worker and approved by the Administration; or (3) a different principal/employer whether or not accredited with the POEA.

Penalty: Cancellation of License

- d. Engaging in the recruitment or placement of workers in jobs declared by the Administration as harmful to public health or morality or to the dignity of the Republic of the Philippines.

Penalty: Cancellation of License

- e. Transfer or change of ownership or control of a single proprietorship licensed to engage in overseas employment.

Penalty: Cancellation of License

- f. For the sole proprietor, partner, or officer/s or member/s of the Board of any licensed recruitment agency to become an officer or member of the Board of any corporation or partnership engaged directly or indirectly in the management of a travel agency.

Penalty: Cancellation of License

- g. Charging and collecting of placement fee for deployment to countries where the prevailing system, either by law, policy or practice does not allow the charging and collection of placement and recruitment fees as determined by the Administration.

Penalty: Cancellation of License and refund of the placement and recruitment fee collected from the worker, with interest at 6% per annum from collection.

- h. Charging and accepting directly or indirectly any amount greater than that specified in the schedule of allowable placement fees, or when such charging or collection is prohibited by any law, rules or policy, or making a worker pay or acknowledge any amount greater than that actually received by him/her as loan or advance.

Penalty: Cancellation of License plus refund of the excess placement fee collected from the worker, with interest at 6% per annum from collection.

- i. Passing on to the worker fees and costs chargeable to the principal/employer.

Penalty: Cancellation of License plus refund of the fees and costs collected from the worker, with interest at 6% per annum from collection.

- j. Deploying workers whose employment and travel documents were not processed by the Administration.

Penalty: Cancellation of License

- k. Allowing a non-Filipino citizen to head or manage, directly or indirectly, a licensed recruitment agency. For this purpose, "heading or managing" a licensed recruitment agency shall refer to:

1. controlling and supervising the operations of the licensed recruitment agency or any branch thereof; or
2. exercising the authority to hire or fire employees and to lay down and execute management policies of the licensed recruitment agency or branch thereof.

Penalty: Cancellation of License

II. LESS SERIOUS OFFENSES are those that by their nature and effect are punishable by the penalty of suspension to cancellation of license.

- I. Knowingly deploying a worker below the minimum age requirement.

Penalty:

- |                           |  |
|---------------------------|--|
| 1 <sup>st</sup> Offense — | Suspension of License (Two Months to Six Months)           |
| 2 <sup>nd</sup> Offense — | Suspension of License (Six Months and One day to One year) |
| 3 <sup>rd</sup> Offense — | Suspension of License (One year and One day to Two years)  |
| 4 <sup>th</sup> Offense — | Cancellation of License                                    |

- m. Charging, imposing and accepting directly or indirectly, any amount of money, goods or services, or any fee or bond for any purpose whatsoever before employment is obtained for an applicant worker.

Penalty:

- |                           |  |
|---------------------------|--|
| 1 <sup>st</sup> Offense — | Suspension of License (Two Months to Six Months)           |
| 2 <sup>nd</sup> Offense — | Suspension of License (Six Months and One day to One year) |

shall deploy its documented Overseas Filipino Workers. The licensed recruitment agency shall report to the Administration within fifteen (15) days from the expiry date of the OEC, in case of non-deployment and the reason/s therefor.

In case of issuance of multiple OEC, its validity shall depend on contract duration.

SECTION 122. Registration of Returning Overseas Filipino Workers. — A. The registration of the returning Overseas Filipino Workers as defined in these Rules shall be through on-line or by submission of the following documents to the Administration or to the POLOs for registration:

1. Passport valid at least six (6) months from the date of intended departure;
2. Valid and appropriate visa or work permit; and
3. Certificate of insurance coverage similar to the benefits provided under the mandatory insurance coverage contained in Section 37-A of RA 8042, as amended, at the option of the Overseas Filipino Worker.

B. For returning Overseas Filipino Workers who are not registered with the Administration or who changed employers on-site, the following additional requirements shall be required:

1. Proof of existing employment such as payroll slip or valid company identification card;
2. Existing employment contract;
3. Affidavit stating the circumstances regarding the deployment; and
4. Certificate of insurance coverage similar to the benefits provided under the mandatory insurance coverage contained in Section 37-A of RA 8042, as amended, at the option of the worker.

C. In case of issuance of multiple OECs, its validity shall depend on contract duration.

**SECTION 123. Ban on Direct Hires. — No employer shall directly hire an Overseas Filipino Worker for overseas employment.**

SECTION 124. Exemption from the Ban on Direct Hiring. — The following are exempted from the ban on direct hiring:

- a. Members of the diplomatic corps;
- b. International organizations;
- c. Heads of state and government officials with the rank of at least deputy minister; or
- d. Other employers as may be allowed by the Secretary of Labor and Employment, such as:
  1. Those provided in (a), (b) and (c) who bear a lesser rank, if endorsed by the POLO, or Head of Mission in the absence of the POLO;
  2. Professionals and skilled workers with duly executed/authenticated contracts containing terms and conditions over and above the standards set by the POEA. The number of professional and skilled Overseas Filipino Workers hired for the first time by the employer shall not exceed five (5). For the purpose of determining the number, workers hired as a group shall be counted as one; or
  3. Workers hired by a relative/family member who is a permanent resident of the host country.

SECTION 125. Documentary Requirements for Registration of Overseas Filipino Workers Hired by Employers who are Exempted from the Ban on Direct Hiring. — The Overseas Filipino Workers hired





Republika ng Pilipinas  
**KAGAWARAN NG KATARUNGAN**  
*Department of Justice*  
 Manila

LML-MC-15F15-064

15 June 2015

MEMORANDUM CIRCULAR NO. **036**

**SUBJECT: Inter-Agency Council Against Trafficking (IACAT) Revised Guidelines on Departure Formalities for International-Bound Passengers**

Pursuant to the provisions of Republic Act No. 9208 (Anti-Trafficking in Persons Act of 2003), as amended by Republic Act No. 10364 (Expanded Anti-Trafficking in Persons Act of 2012), and its Implementing Rules and Regulations, Republic Act No. 8042, (Migrant Workers and Overseas Filipinos Act of 1995), as amended by Republic Act No. 10022 and other related laws, the following revised guidelines on departure formalities for international-bound passengers is hereby promulgated to further define the parameters of implementation:

**I. TOURIST PASSENGERS**

A passenger intending to travel abroad as tourist or with temporary visitor's visa shall undergo:

**1. Primary Inspection**

**1.1.** The following documents are required to be presented before the Immigration Officer:

- a) Valid passport;
- b) Visa whenever applicable or required; and
- c) Round-trip or return ticket.

**1.2** A passenger identified by the Immigration Officer (IO) to have doubtful purpose of travel, fraudulent, falsified or tampered travel documents or identified as a potential trafficked person shall not be cleared for departure or recommended for deferred departure

and turned over to the Travel Control and Enforcement Unit (TCEU) for secondary inspection.

## **2. Secondary Inspection**

**2.1** When deemed necessary, the passenger shall be referred to the TCEU for secondary inspection, taking into consideration the totality of circumstances, such as, but not limited to:

- a) Age;
- b) Educational attainment;
- c) Financial capability to travel in accordance with purpose of travel as declared by the passenger;
- d) Travel history; and
- e) Country of destination.

If the passenger is travelling through a sponsor, the following additional documents shall be required:

1. Affidavit of Support and Undertaking duly authenticated by the Philippine Embassy or Consulate, showing:
  - a. The relationship of the sponsor and the passenger within the fourth (4<sup>th</sup>) civil degree of consanguinity (e.g. *pinsang buo*) or affinity (e.g. *bayaw/hipag/biyenan*);
  - b. Financial capacity with legal status of the sponsor; and
  - c. Contact information of the sponsor; and/or
2. Affidavit of Support and Undertaking executed by a person or legal/juridical entity duly authenticated by the Philippine Embassy or Consulate showing:
  - a. Contact information of the sponsor;
  - b. Financial capacity with legal status of the sponsor; and
  - c. Registration papers of the sponsor, if a legal or juridical entity.
3. In cases of a local sponsor travelling with the passenger, a duly notarized Affidavit of Support and Undertaking which shall contain the following:
  - a. Financial capacity of the sponsor;
  - b. Reason for sponsorship;

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- c. Undertaking by the sponsor that the travel is solely for tourism purposes and the passenger shall return upon completion of the tour;
- d. Complete address of the sponsor and other contact details; and
- e. Registration papers, if the local sponsor is a legal or juridical entity with its duly authorized representative travelling with the passenger/sponsee.

**2.2** A passenger shall be automatically referred for secondary inspection, whenever it is shown that the passenger:

- a) Has no financial capacity to travel and is escorted/accompanied by a foreign national who is not a relative by consanguinity or affinity;
- b) Is a minor travelling alone or unaccompanied by either parent or legal guardian without the required travel clearance from the Department of Social Welfare and Development (DSWD);
- c) Is the spouse of a foreign national intending to depart for the first time to join the foreign spouse or a partner of a foreign national intending to depart to meet and/or marry his/her fiancé/fiancee without the Commission on Filipinos Overseas (CFO) Guidance and Counselling Certificate;
- d) Is travelling to countries with existing deployment bans, alert levels 3 and 4, and travel advisories and is in possession of visas to said countries; and/or
- e) Had previously stayed abroad for more than six (6) months as a tourist/temporary visitor, and is intending to depart for the second and/or subsequent time.

**3.** Clarificatory questions may be propounded by the IO in relation to the purpose of travel and travel documents presented.

**4.** A passenger whose departure is deferred during primary inspection or turned over to the TCEU for secondary inspection shall be required to fill-up the Border Control Questionnaire (BCQ). The primary IO shall indicate his/her initial assessment in the BCQ. The travel documents of the passenger shall be examined and an interview shall be conducted to determine facts and circumstances surrounding the passenger's travel.

5. A passenger allowed by the primary IO may still be subjected to secondary inspection as may be necessary.

6. As much as practicable, secondary inspection shall not exceed ten (10) minutes unless extraordinary circumstances require a longer period of inspection.

7. A passenger found to be misrepresenting the purpose of his/her travel as tourist shall not be cleared for departure.

8. If a human trafficking incident has been initially determined, the IO shall not clear the passenger for departure and shall execute an Affidavit of Deferred Departure. The passenger, whose departure is deferred, and all his/her pertinent documents, including the passport, shall be turned over to the IACAT Task Force for investigation and case build-up.

9. In the event that the IACAT Task Force receives information that a departing passenger is a potential trafficked person, the Task Force shall coordinate with the TCEU for interception and further assessment.

## **II. OVERSEAS FILIPINO WORKERS**

### **1. Departing Overseas Filipino Workers**

1.1. A passenger under this classification shall present the following documents:

- a) Valid passport;
- b) Original/valid visa, in accordance with country-specific advisory from the Philippine Overseas Employment Administration (POEA);
- c) Airline/sea craft travel tickets; and
- d) E-receipt or Overseas Employment Certificate (OEC) duly issued by the Pre-Employment Services Office (PESO) of the POEA as appearing in the database.

1.2. Allowable Visa Usage under POEA Rules and Regulations  
Should there be any discrepancy in the actual job position/job title in the visa and in the OEC, travel may be allowed provided the following additional documents are presented:



- a) Duly notarized Undertaking on the Visa Usage executed by duly authorized representative of the agency and duly approved and cleared by POEA; and
- b) Duly notarized Declaration of Awareness and Consent by the Overseas Filipino Worker (OFW) on the visa usage.

**1.3. Instance When Visa Usage is NOT Allowed**

The use of the Visa Usage Undertaking (VUU), does not apply to Household Service Workers (HSW). The visa category should be strictly for household-based positions; otherwise, a passenger will not be cleared for departure and the aforementioned documents shall be confiscated for further investigation and endorsement to the concerned government agency.

For this purpose, HSW shall refer to all persons, male or female, who shall render domestic or household service under a contract of compensation. They shall include among others, domestic helpers, maids, houseboys, nannies, baby sitters, caregivers, caretakers, tutors, governesses, cooks, sewers, beauticians, masseurs, masseuses, drivers, and gardeners working in a household setting.

In addition to the requirement under 1.1, an HSW shall be required to present an individual and original verified employment contract.

## **2. Balik-Manggagawa/ Returning Workers**

**2.1.** The following OFWs fall under the category of Balik-Manggagawa/Returning Workers:

- a) Worker-on-Leave – a worker who is on vacation or on leave from employment under a valid and existing employment contract and who is returning to the same employer, regardless of any change in jobsite, to finish the remaining unexpired portion of the contract.
- b) Rehire – a worker who was rehired by the same employer after finishing his/her contract and who is returning to the same employer, regardless of a change in jobsite.
- c) Philippine Overseas Labor Office (POLO) registered worker – a returning worker whose employment contract was not processed with the POEA but was subsequently verified and registered with the POLO in the jobsite and



who is returning to the same employer, either as a worker-on-leave or rehire, regardless of any change in jobsite. Same employer/principal refers to the current employer of the worker at the time he/she came home for vacation and to whom he/she is returning to resume employment upon return to jobsite.

2.2. Balik-Manggagawa OFWs shall be required to present the following:

- a) Valid passport;
- b) Valid visa;
- c) Airline/sea craft travel ticket; and
- d) OEC issued on-site by the POLO or by the POEA.

2.3. In case of incomplete or questionable documents, the OFW shall be referred to the POEA-Labor Assistance Center (LAC) for further validation and clearance.

### **3. Overseas Filipino Workers travelling to other countries during their vacation.**

A Balik-Manggagawa OFW with a valid visa and an existing work contract with his/her current employer who intends to go to other countries while on vacation is considered a tourist. Hence, he/she need not secure an OEC for such travel but shall be allowed to travel in accordance with the guidelines for tourist passengers as shown above.

### **4. Special Travel Exit Clearance**

Pursuant to a Memorandum of Agreement between POEA and the Bureau of Immigration (BI), the following are required to secure a Special Travel Exit Clearance from the POEA:

- a) Philippine Economic Zone Authority (PEZA) registered companies sending their employees to South Korea for training programs with worker trainee visas;
- b) Seafarers who are under the employment of a Philippine shipping company who are assigned to accompany or "conduct" a vessel that is being imported by the said shipping company from a foreign port to the Philippines, also referred to as "conduction crew" since they remain to be under the employ of their local companies;



- c) Filipino seafarers who are required to undergo special training abroad as prescribed by the prospective foreign employer. The foreign employer must be accredited to a licensed sea-based agency; and
- d) Filipino workers required to undergo final interview or qualifying examination abroad as prescribed by the prospective foreign employer. The foreign employer must be accredited to a licensed land-based agency.

### **III. PASSENGERS WITH IMMIGRANT OR PERMANENT RESIDENT VISA**

#### **1. Filipino emigrants/residence visa or permit holders / permanent resident card holders**

Passengers falling under this visa category shall present the following documents for primary inspection:

- a) Valid passport;
- b) Permanent residence visa / immigrant visa / long term visa / permanent residence card;
- c) CFO emigrant registration sticker; and
- d) Airline/sea craft travel ticket.

#### **2. Filipino fiancé(e)s, spouses and partners of foreign nationals**

Passengers falling under this visa category shall present the following documents for primary inspection:

- a) Valid passport;
- b) Permanent residence permit or visa / immigrant visa / long term visa / permanent residence card;
- c) CFO Guidance and Counseling Certificate;
- d) CFO emigrant registration sticker; and
- e) Airline/sea craft travel ticket.

### **IV. OTHER CATEGORIES OF TRAVEL PURPOSES**

#### **1. ON-THE-JOB TRAINEE/S**

Passengers intending to depart to another country for the purpose of on-the-job training shall present the following additional documents:

- a. School certification on the need for on-the-job training;
- b. Acceptance by the host company authenticated by the Philippine Embassy or Consulate; and
- c. Certificate of Overseas Training by the Commission on Higher Education (CHED).

**2. TRAINEE/S REQUIRED TO UNDERGO SKILLS ENHANCEMENT BY PROSPECTIVE EMPLOYERS**

Passengers travelling for purposes of training or skills enhancement by prospective employers abroad shall present to the IO a letter indicating the subject and duration of the training, and the name, address and contact details of the responsible officer of the training facility or entity, duly authenticated by the Philippine Embassy or Consulate where the training or skills enhancement will be conducted.

**3. Relatives requesting for compassionate or humanitarian visit** to an irregular worker abroad must secure and present a certification from Department of Foreign Affairs-Office of the Undersecretary for Migrant Workers' Affairs (DFA-OUMWA).

**4. Immediate family members of Overseas Filipino Workers (OFWs)** travelling with a tourist/temporary visitor's visa shall be allowed without need of secondary inspection; provided that they establish their relationship within the first (1<sup>st</sup>) civil degree of consanguinity or affinity (spouse, children and parents) with the OFW and provided further; that they present photocopies of the following documents of the OFW:

- a) Valid passport;
- b) Visa;
- c) E-receipt or OEC; and
- d) National Statistics Office (NSO) certified birth/marriage certificate, as the case may be.

**5. Passengers who intend to depart for intra-company trainings abroad** for less than three (3) months shall present an invitation from the host company reflecting the duration, entitlements, travel and



other incidental expenses; while those exceeding three (3) months shall present the corresponding Trainorship Agreement containing all the above data.

#### **6. Filipino J1 Visa Holders or Exchange Visitor Program (EVP) Participants**

**Passengers falling under this visa category shall present the following documents for primary inspection:**

- a) Valid passport;
- b) Valid J1 or EVP visa;
- c) Travel ticket; and
- d) CFO EVP/J1 registration sticker.

#### **7. Filipinos Departing with Au Pair Visa**

Au Pairs are young Filipino citizens, between 18 to 30 years of age, unmarried and without children, who are placed under a cultural exchange arrangement with a European host family for a maximum stay of two years, unless otherwise allowed by host countries.

**Passengers falling under this visa category shall present the following documents for primary inspection:**

- a) Valid passport with a valid Au Pair Visa or its equivalent to the destination country;
- b) Contract of Engagement or Letter of Undertaking to Engage, signed by the Au Pair and the Head of the host family, duly authenticated/notarized by the Philippine Embassy/Consulate in the European country of destination; and
- c) Country Familiarization Seminar (CFS) CFO registration sticker.

#### **V. GENERAL GUIDELINES ON TURNOVER OF DEFERRED DEPARTURE PASSENGERS, TRAVEL DOCUMENTS, INVESTIGATION AND OTHER RELATED INCIDENTS.**

1. The passengers whose departures were deferred and who were determined to be potentially trafficked persons shall be turned over by the BI to the IACAT Task Force for appropriate



intervention. The IACAT Task Force shall turn over potential trafficked persons requiring protective care and services to a DSWD shelter, or any licensed or accredited institution.

2. Questionable passports, visa, immigration stamp, and other travel documents shall be confiscated by the BI and forwarded to its Anti-Fraud Unit for laboratory examination. If there is a determination by the Anti-Fraud Unit that the passport was tampered with, a counterfeit or is fraudulent, the BI shall turn over the confiscated passport together with the corresponding examination report to the IACAT Task Force; otherwise, the BI shall turn over the confiscated passport to the Office of Consular Affairs (OCA)-DFA and furnish the IACAT Task Force the scanned copy of the same.
3. In cases of potential trafficking in persons (TIP) that do not involve questionable passports, only the scanned copy of the passport data page shall be turned over by the BI to the IACAT Task Force and all pertinent documents, including but not limited to the Affidavit of Deferred Departure and a copy of the BCQ. The original passport and all other documents shall remain with the BI for proper disposition as stated under paragraph 2.
4. In the event that there is a recruitment agency involved, the BI shall furnish POEA-LAC all relevant documents.
5. The DFA shall maintain a database of confiscated passports. The IACAT Secretariat or Law Enforcement Agency/Officer shall advise OCA-DFA and BI on the status of cases.
6. The IACAT Task Force shall conduct investigations to determine the presence of elements establishing an offense of TIP or related offenses, identify persons and entities involved and file the appropriate charges before the Office of the Prosecutor.
7. The BI shall maintain a sex-disaggregated database of deferred departures. As much as possible, such database shall be available in all international ports of entry and exit and should have connectivity features. The IACAT shall, as far as practicable, support the establishment and maintenance of such database.




8. The OCA-DFA shall furnish the BI a list of authenticated Affidavit of Support and Undertaking, duly acknowledged and authenticated by the Consular Office on a weekly basis.
9. The BI shall provide the DFA-OCA a weekly list of passengers whose passports were confiscated. Likewise, the BI shall submit a List of Deferred Departures to the IACAT Secretariat every first week of the month, and furnish the DFA-OCA a copy thereof.
  - 9.1. The list shall contain the following information:
    - a) Last name, first name, middle name as appearing on the passport;
    - b) Passport number;
    - c) Date and place of birth;
    - d) Sex;
    - e) Date of deferred departure; and
    - f) Reason for deferred departure.
10. IOs, in the performance of their functions and duties, shall adhere to the principles of Courtesy, Accountability, Responsibility, Efficiency and Service (BI – C.A.R.E.S.). The BI shall likewise institute a mechanism for immediate feedback and redress of grievances of passengers.
11. All agencies and task forces designated for the purpose of preventing, addressing and eliminating trafficking in persons, illegal recruitment, and other related crimes are hereby directed to revise existing procedures and systems to adhere to the revised guidelines within one (1) month from the effectivity thereof, to be submitted to the IACAT and Philippine Task Force Against Illegal Recruitment (PTFAIR) for review and evaluation.

All department orders, circulars, and issuances inconsistent herewith are hereby revoked.

This Circular takes effect immediately and shall remain in force until further order.

For strict compliance.

  
**LEILA M. DE LIMA**  
*Secretary*

Department of Justice  
CN : Q201507438  

